

**Minutes
Study Session
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, July 16, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org**

Call To Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:05 p.m. in Room B-8 of the Huntington Beach Civic Center.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, (arrived at 4:08 p.m.) Carchio, Cook, Coerper, Green, Hansen, and Hardy (arrived at 4:08 p.m.)
Absent: None

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meeting) Act, City Clerk Flynn announced the following late communications related to items on the Study and Closed Session portion of the agenda:

Study Session #1: A communication submitted by Hayden Beckman, Planning Aide, dated July 16, 2007 and titled *City Council Study Session Green Building Presentation Postponement*.

Closed Session: Communication submitted by Ronald Troxell, Vice President of Crystal Island Homeowners Association dated July 11, 2007 and titled *Estate Circle – City Road*.

Public Comments - None.

(City Council/Redevelopment Agency) Study Session #1 POSTPONED TO A DATE UNCERTAIN – Update of Progress with Energy Policies for the City. A presentation of the LEED and Build it Green programs and their benefits by Chandra Krout, AICP, CTG Energetics.

City Administrator Penelope Culbreth-Graft announced that Chandra Krout with CTG Energetics was unable to make a presentation at tonight's meeting due to illness, and that the item is postponed to a date uncertain.

(City Council/Redevelopment Agency) Study Session #2 - A Discussion on Requests by City Councilmembers for the Fiscal Year 2007/2008 Budget. PowerPoint presentation titled Second Tier Reserve Project Discussion was included in the agenda packet.

City Administrator Culbreth-Graft addressed Council with a list of items they may wish to consider for use in the Second Tier Reserve Fund, and called on Finance Director Dan Villella to present the report.

Finance Director Dan Villella presented a PowerPoint presentation titled *Second Tier Reserve Project Discussion* and gave an overview of the revisions to the Second Tier Reserve; Unfunded Infrastructure Needs; and City Council Proposals and Strategic Goals.

Councilmember Bohr stated his priorities as follows: (1) Landscape upgrade south side of Pacific Coast Highway across from the Hilton and Hyatt hotels (\$20,000); (2) The Implementation of Mandatory Spay & Neutering of Domestic Pets (\$75,000); and (3) the City Council Chambers upgrade to allow laptops and call/vote system at the dais, (\$109,000).

Councilmember Carchio stated that he will bring back an actual cost related to his top priority (1) to waive permit fees for additions and remodels to include the "Green Building" standard. He would like to address mansionization by implementing criteria such as follows: (1) owner-occupied only; (2) homes that are 15 years or older; (3) under 2,000 square feet; and (4) include an Affordable Housing component through Economic Development. Councilmember Bohr asked for clarification regarding the Affordable Housing component. Councilmember Carchio indicated that he has a meeting scheduled with Planning and Economic Development to determine its feasibility. Councilmember Green questioned the criteria of age of home at 15 years or older. Councilmember Carchio responded that he is still unclear as to the correct formula to use regarding the age of the home. Councilmember Hardy believes that owner-occupied may not target the homes that need rehabilitation the most.

Councilmember Green discussed her priority as (1) the Shipley Nature Center and the improvements indicated (\$10,000).

Councilmember Hansen's top priority is (1) Completing or maximizing the Tree Petition List, (approximately \$17 million). He agreed not to propose spending the money at this time, but would like to look at the larger implementation plan based upon next year's budget.

Councilmember Hardy's priorities are as follows: (1) the Historic Preservation Program to determine the historical value of a home or building (\$80,000). She described the method used in the late 1980s which created the unofficial list of locations that are designated historic. She stated her opinion of unjust questions that are raised

when homeowners of designated historic homes want to sell their home. At times, it becomes necessary for a third party to conduct research on the home and the homeowner is responsible for the cost of the study. Councilmember Green asked if an amendment could be made to the General Plan. City Administrator Culbreth-Graft responded affirmatively; Councilmember Hardy's second priority would be (2) Bartlett Park, a plan for development of the park that can be used for a capital fundraising campaign or grant applications (\$410,000). She mentioned that she would also like to see the homeless and debris issues addressed.

Mayor Coerper stated his priorities as follows: (1) Upgrade speakers and microphone sound systems at Pier Plaza (\$10,000). Further, Mayor Coerper agreed with Councilmember Bohr's suggestion to include as his second priority (2) Upgrade the Council Chambers to allow for laptops and a better vote/call system at the dais (\$109,000).

Councilmember Bohr asked if a straw vote would be appropriate to accomplish giving staff immediate feedback. Council discussed amongst themselves the priorities of consensus. City Administrator Culbreth-Graft suggested that she would appreciate direction today so staff could look at the appropriate General Fund Balance. She explained that combining Council's items into the Budget discussion would enable funds to be programmed into the Fiscal Year 07/08 Budget.

A motion was made by Green, second Hansen to, by straw vote, approve project amount of \$10,000 for the Shipley Nature Center as proposed by Councilmember Green into the upcoming Budget Review process. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Coerper, Green, Hansen, and Hardy
NOES: Cook

A motion was made by Bohr, second Carchio to, by straw vote, approve project amount of \$20,000 for landscape or pavers on the south side of Pacific Coast Highway, near the Hyatt and Hilton hotels as proposed by Councilmember Bohr into the upcoming Budget Process review. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Coerper, Green, Hansen, and Hardy
NOES: Cook

A motion was made by Coerper, second Bohr to, by straw vote, approve project amount of \$10,000 to upgrade speaker and microphone equipment at Pier Plaza as proposed by Mayor Coerper into the upcoming Budget Review Process. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

A motion was made by Bohr, second Carchio to by straw vote, appropriate funds in the amount of \$150,000 to landscape the Dog Beach parking area as proposed by Councilmember Bohr and return during the Budget Review process. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Coerper, and Green
NOES: Cook, Hansen, and Hardy

Recess to Closed Session

A motion was made by Green, second Bohr to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file a lawsuit.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Crystal Island Community Association v. Huntington Beach Union High School, et al.; Orange County Superior Court Case No. 06CC01729. Crystal Island homeowners association filed a quiet title action against the High School District and the City to prevent the public from using Estate Circle.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6, the Council shall recess to Closed Session to meet with its designated labor negotiators, Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with the following employee organizations: MEA, HBFA, and Non-Associated.

Reconvene City Council/Redevelopment Agency Meeting - 6:05 PM

No Actions Taken in Closed Session Which Required a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

City Council/Redevelopment Agency Roll Call

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: None.

Pledge of Allegiance/Flag Salute - Led by Councilmember Green

Invocation -- Led by Reverend Michael Slater, Huntington Beach Interfaith Council.

Mayor Coerper dedicated the meeting to the memory of Don Hansen's father who recently passed away. Condolences were expressed.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication received from Shari L. Freidenrich, City Treasurer, transmitting the corrected PowerPoint page with the correct City Council presentation date.

Communication from Economic Development Department, transmitting PowerPoint presentation titled *Downtown Specific Plan and Parking Master Plan Update*.

Communications (66) stating opposition to the proposed ordinance relating to public nudity.

Presentation- Ann Quan

Mayor Coerper called on Ann Quan, a recent Huntington Beach High School graduate, to receive a commendation for being honored as a 2007 Disneyland Resort Scholarship Awardee. The Disneyland Resort Ambassador Garnett Schoonover described Quan's attributes and Mayor Coerper thanked Ms. Quan for more than 1,002 hours of selfless community service to improve our city.

Presentation- Community Services

Mayor Coerper called on Director of Community Services Jim Engle who asked the 4th of July Executive Board to come forward. Director Engle described the challenges before the Board and their accomplishments for another great year and introduced Board Chair, Pat Stier. Chair Stier thanked Special Events Coordinator Naida Osline of the Community Services Department, Fire Safety Program Specialist Martha Werth of the Fire Dept., and Police Lieutenant Mike Reynolds of the Police Dept., for their ongoing support and efforts. Chair Steir introduced fellow Board Members Stacey Newton, Patti Davis, Karen Pedersen, Mike Posey, Erik Gomez, and Mariann Ettore. Karen Pedersen announced the members at large. Mayor Coerper read from the Proclamation and presented the Executive Board with the Proclamation, expressing the appreciation of the City Council.

Mayor's Award

Mayor Coerper asked Planning Director Scott Hess to come forward to present the Mayor's Award to Associate Planner Ricky Ramos. Director Hess described over 10 years of dedicated service by Planner Ramos, his education, and his successful tenure in Current and Advance Planning. Director Hess elaborated on the superior customer service by Planner Ramos. Mayor Coerper expressed the City's gratitude and presented the award.

Public Comments

Vaughn Duitsman, voiced opposition to the proposed ordinance pertaining to public nudity. He stated his opinion there is no evidence that harm occurs from viewing a nude person.

Lloyd Johnson, representing the Naturist Society, expressed opposition to the proposed ordinance pertaining to public nudity. He believes that the naturist state is a healthy lifestyle and described his family members who are also in support of the lifestyle.

David Cole, representing the Naturist Society, stated his opposition to the proposed ordinance pertaining to public nudity. He stated his opinion that the resident cited in the staff report used poor judgment by being exposed in his front yard. Mr. Cole stated that he would hate to see the human body "criminalized."

Deborah Lee Brooks, voiced her opposition to the proposed ordinance pertaining to public nudity. She stated her opinion that a person practicing naturalism in his own yard should not be criminalized.

Ronald Mercer, affiliate of the Naturist Society, stated his opposition to the proposed ordinance pertaining to public nudity. He described the wholesome lifestyle of a naturist.

Aire Norell, expressed opposition to the proposed ordinance pertaining to public nudity. She stated her opinion that City Council has greater concerns to deal with, and hopes that the concerns brought forth by this ordinance could be resolved without creating a law.

Aouie, (speaker announced and provided one name only), expressed his opposition to the proposed ordinance pertaining to public nudity. He stated that Naturists just want to live their life in the natural state; freedom in their own homes should be allowed. He requested that Council not adopt a blanket ban against nudity when exercised in one's home.

Adam Saby, spoke in opposition to the proposed ordinance pertaining to public nudity. He stated his opinion that nudity is the form of our natural state and believes that clothes actually serve to hide us; nudity should not be restricted, citing other countries as examples. He believes the proposed ordinance is (1) wasteful, and (2) excessive.

Irene Shannon, representing the Naturist Society, stated her opposition to the proposed ordinance pertaining to public nudity. Although she is not a resident of Huntington Beach, she discussed the proposed nudity law of the early 1970s. She opined that the proposed law is actually prejudiced by staff's misinformation about the anti-nudity law. She asked that Council not pass laws that aren't needed.

Tony Wilkinson, voiced his opposition to the proposed ordinance pertaining to public nudity. He is a resident of Van Nuys, California and described State law in conjunction with lewd intent. He does not believe the proposed ordinance belongs in this category. He stated that Huntington Beach already has an ordinance that adequately addresses nudity.

Allen Baylis Esq., Director of the Naturist Action Committee described his opposition to the proposed ordinance pertaining to public nudity. He stated that seven years ago, the City of Huntington Beach considered an anti-nudity ordinance in response to a proposed strip club. The Naturist Action Committee opposed the ordinance at that time and hopes that Council would not support the current proposal. He believes the proposed ordinance is unjustified and targets individuals. He doesn't believe law enforcement should defend either side of a non-public safety issue, and requested that Council respect individuals' liberty.

Steve Stafford, voiced support for the proposed ordinance pertaining to public nudity and explained an incident that involved a robbery and public exposure. He applauded Councilmember Bohr and Mayor Coerper for their support of the Graffiti Reward Program. He requested information on the Closed Session item on *Crystal Island Community Association v. Huntington Beach Union High School, et.al.*

Valerie Mooney, stated her support of the proposed ban on public nudity and described a previous incident at her personal residence involving neighbors with exposure issues. At the time, she contacted the Police Department and voiced concerns about future activity and the potential detriment to her children.

(City Council) AB 1234 Disclosure Reporting

Councilmember Green - reported that OCTA's Bus Strike with the Teamsters was settled today. By Friday, all buses will resume their regular schedules; free fares are available now through Thursday.

Councilmember Bohr acknowledged his mother's attendance at the Council meeting and thanked her for being present.

City Administrator's Report

City Administrator Penelope Culbreth-Graft recognized rescue efforts by two Public Works Water Utility Technicians, Tony Riscoe and Greg Wells. Riscoe and Wells rescued an 87-year old woman when her car plunged into the flood control channel on Edwards, north of Warner. Administrator Culbreth-Graft thanked them for their heroic efforts. She also informed the public that the Goldenwest Rehabilitation Project is underway, between Warner and McFadden Avenue. She advised motorists of lane closures and lane reduction during construction. Completion of the project is anticipated in October.

(City Council) Review and Accept Shari L. Freidenrich, City Treasurer's May 2007 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2007

City Treasurer Freidenrich gave a PowerPoint presentation titled *May Treasurer's Report*, which was included in the agenda packet.

A motion was made by Green, second Hardy to review and accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2007*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach, as amended by late communication. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

Consent Calendar - Items Approved

Councilmember Bohr pulled for discussion the Sales Tax Sharing Agreement between the City and Pinnacle Petroleum.

Mayor Coerper pulled for discussion the Program Supplement Agreement for the Safe Routes to School Program in the Vicinity of Sowers School.

A motion was made by Green, second Cook to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council/Redevelopment Agency) - Approved Minutes. Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of July 2, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) - Adopted Resolution No. 2007-42 to Receive and Accept the California Coastal Commission's Approved Modifications to Local Coastal Program Amendment (LCPA) No. 2-06 (Timeshares); Adopted Resolution No. 2007-43 Amending the Local Coastal Program and Coastal Element Modifications; and, Approved for Introduction Ordinance No. 3774 Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Specific Plan 5 (Downtown Specific Plan, Districts 7 and 9) and Chapters 203 (Definitions), 204 (Use Classifications), and 211 (Commercial Districts) Thereof to Conform LCPA No. 2-06 to Modifications Made by the California Coastal Commission - 1) Adopted Resolution No. 2007-42, "A Resolution of the City Council of the City of Huntington Beach, California, Which Acknowledges Receipt of the Coastal Commission Action and Accepts and Agrees to Local Coastal Program Amendment No. 2-06 As Modified" and forward to the California Coastal Commission; and **2)** Adopted Resolution No. 2007-43, "A Resolution of the City Council of the City of Huntington Beach Amending the Local Coastal Program by Amending the Coastal Element;" and **3)** Approved for Introduction Ordinance No. 3774, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Specific Plan 5 (Downtown Specific Plan) and Chapters 203 (Definitions), 204 (Use Classifications), and 211 (Commercial Districts) Thereof to Conform LCP Amendment No. 2-06 to Modifications Made by the California Coastal Commission." Submitted by the Director of Planning. Funding Source: Not applicable.

(City Council) - Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 2 to the City's Agreement with Geosyntec Consultants, Inc. to Extend the Term Expiration to December 31, 2007 and Set Forth Additional Work and Compensation in an Amount Not to Exceed \$25,000 for Environmental Consulting Related to Soil Remediation Activities on the Pacific City Project Site -

Approved and authorized the Mayor and City Clerk to execute Amendment No. 2 to Agreement Between the City of Huntington Beach and Geosyntec Consultants, Inc. for Environmental Consulting Services, and authorize an expenditure of \$25,000. Submitted by the Fire Chief. Funding Source: Funding for this work is available in the Fire Prevention business unit professional services account (10065201.69365). As a condition of approval for the Pacific City Project, the developer, Makallon Atlantic HB LLC, is required to reimburse the City for all costs submitted by the third-party consultant for the soil remediation activities at the site.

(City Council) - Approved and Authorized the Mayor and City Clerk to execute Amendment No. 1 to the Agreements for Police Directed Towing and Storage Services with Mandic Motors, Inc., MetroPro Road Services, Inc., and Best Towing Services; and, Adopted Resolution No. 2007-44 Authorizing a Ten Percent Increase in Fees for Towing Services and Garage Impounds - 1) Authorized the Mayor and City Clerk to execute Amendment No. 1 to Agreement Between the City of Huntington Beach and Mandic Motors, Inc. for Police Directed Towing and Storage Services, Amendment No. 1 to Agreement Between the City of Huntington Beach and MetroPro Road Services, Inc. for Police Directed Towing and Storage Services, and Amendment No. 1 to Agreement Between the City of Huntington Beach and Best Towing Service for Police Directed Towing and Storage Services; and **2)** Adopted Resolution No. 2007-44, "A Resolution of the City Council of the City of Huntington Beach Revising the Fees For Towing Services and Garage Impounds." Submitted by the Chief of Police. Funding Source: No funds are required.

(City Council) - Approved the General Waste Discharge Requirements (WDRs) Sanitary Sewer Management Plan (SSMP) Development Plan and Schedule as Required by State Water Resources Control Board Order No. 2006-0003 - Approved the General Waste Discharge Requirements (WDRs) Sewer System Management Plan Development Plan and Schedule dated September 30, 2002. Submitted by the Acting Director of Public Works - Engineering. Funding Source: No funding is necessary for this action.

(City Council) - Approved the Release of Guarantee and Warranty Bond No. SU5016929 for Tract No. 15816 (Beachside) and Instructed the City Clerk to Notify the Developer, William Lyon Homes, Inc., and the City Treasurer to Notify the Surety, Arch Insurance Company, of this action - 1) Released Guarantee and Warranty Bond No. SU5016929, the security furnished for guarantee and warranty of improvements for Tract No. 15816 (Beachside); and **2)** Instructed the City Clerk to notify the developer, William Lyon Homes, Inc., a California Corporation, of this action, and the City Treasurer to notify the Surety, Arch Insurance Company, of this action. Submitted by the Acting Director of Public Works - Engineering. Funding Source: No funds are required for this action.

(City Council) - Adopted Resolution No. 2007-45 Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2007 Season and Certify All Charges Listed to the Orange County 2007-2008 Property Tax Roll - 1) Adopted Resolution No. 2007-45, "A Resolution of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property within the City 2007 Season"; and **2)** Directed that all changes listed thereon be certified to the Orange County 2007-2008 Property Tax Roll. Submitted by the Acting Director of Public Works - Operations. Funding Source: A special assessment totaling \$7,546.36 will be charged to Orange County property tax roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process.

(City Council) - Accepted Public Improvements and Approved the Release of Securities for Tract No. 16675 (East Side of Delaware Street, South of Yorktown Avenue); Accepted and Filed Guarantee and Warranty Bond No. 661112540M; Release Faithful Performance/Labor and Material Bond No. 661112540; and, Instructed the City Clerk to Notify the Developer, Harbinger Homes, Inc., and the City Treasurer to Notify the Surety, Lincoln General Insurance Company, of this action - 1) Accepted the improvements constructed for public use with Tract No. 16675; and **2)** Accepted Guarantee and Warranty Bond No. 661112540M, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3)** Released the Faithful Performance/Labor and Material Bond No. 661112540 pursuant to California Government Code Section No. 66499.7(a); and **4)** Instructed the City Clerk to notify the developer, Harbinger Homes, Inc., of this action and the City Treasurer to notify the Surety, Lincoln General Insurance Company, of this action; and, **5)** Instructed the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder. Submitted by the Acting Director of Public Works - Engineering. Funding Source: No funds are required for this action.

(City Council) - Approved and Authorized the Mayor and City Clerk to Execute a Professional Services Contract in the Amount of \$109,653 with D. L. Engineering & Controls, Inc. for the Wastewater Utility Supervisory Control and Data Acquisition (SCADA) System Upgrade and Approved an Increase in the Amount of \$34,653 to the Professional Services Budget Sewer Service Fund - 1) Approved an increase of \$34,653 to the professional services budget for Sewer Service Fund No. 51189003; and **2)** Approved and authorized the Mayor and City Clerk to execute a Professional Services Contract Between the City of Huntington Beach and D. L. Engineering & Controls, Inc. for Wastewater Utility SCADA System Upgrade. Submitted by the Acting Director of Public Works - Operations. Funding Source: Sufficient funds, including the additional amount needed for the contract, are available in Sewer Service Fund 51189003.82600.

(City Council) - Approved the Appointment of Gerald Lipson to the Personnel Commission With a Term Effective July 1, 2007 through June 30, 2011 as Recommended by Council Liaisons Mayor Gil Coerper, Councilmember Jill Hardy and Councilmember Keith Bohr - In conjunction with his resignation dated July 1, 2007 from the Citizen's Participation Advisory Board (CPAB), approved the appointment of Gerald Lipson to the Personnel Commission with a term effective July 1, 2007 through June 30, 2011 as recommended by the Council Liaisons to the Personnel Commission. Submitted by the Deputy City Administrator/City Services. Funding Source: Not applicable.

(City Council) - Approved and Authorized the Mayor and City Clerk to Execute a Sales Tax Sharing Agreement Between the City of Huntington Beach and Pinnacle Petroleum, a Provider of Gas and Oil Products for Government and Corporate Fleets - Approved the Sales Tax Agreement Between the City of Huntington Beach and Pinnacle Petroleum, Inc. and authorized its execution by the Mayor and City Clerk. Submitted by the Director of Economic Development. Funding Source: General Fund revenues with a formula that reimburses a 30% portion of the sales tax generated by Pinnacle Petroleum. Funds are included in the 2007-08 Economic Development Department budget request.

Councilmember Bohr had questions for staff regarding annual sales tax generation and a proposed modification to the Agreement.

City Administrator Culbreth-Graft called on Deputy Director of Economic Development Kellee Fritzal for response. Councilmember Bohr asked if the \$400,000 indicated within the Statement of Issue assumes sales tax generated at \$100,000/per quarter, totaling \$400,000 for the year. Deputy Director Fritzal responded affirmatively. Councilmember Bohr asked if staff could incorporate within the Agreement a one-year notice of intent at the end of the lease term. Deputy Director Fritzal stated that she would look into it. She added that Pinnacle Petroleum owners are residents of Huntington Beach and have purchased the building here, as opposed to leasing in their former location in Seal Beach. With this information, Councilmember Bohr withdrew his interest in the one-year notice.

A motion was made by Bohr, second Coerper to Approve the Sales Tax Agreement Between the City of Huntington Beach and Pinnacle Petroleum, Inc. and authorize its execution by the Mayor and City Clerk. Submitted by the Director of Economic Development. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) - Adopted Resolution No. 2007-46 Authorizing the Mayor and City Clerk to Execute a Program Supplement Agreement for the Safe Routes to School Program in the Vicinity of Isaac L. Sowers School and Receive State Funding in the Amount of \$224,550 as Authorized by the California Department of Transportation (Caltrans) Adopted Resolution No. 2007-46, "A Resolution of the City Council of the City of Huntington Beach authorizing the Mayor and City Clerk to execute Program Supplement Agreement No. 0D48 Rev. 000 for the Safe Routes to School Program in the vicinity of Sowers School." Submitted by the Acting Director of Public Works - Engineering. Funding Source: The grant amount is \$224,550. Matching funds are budgeted in the Gas Tax Fund. The estimated cost of the project is \$452,000.

Mayor Coerper asked for explanation of the Agenda item.

City Administrator Culbreth-Graft called on Travis Hopkins, Acting Director of Public Works/Engineering, who described improvements being made near Sowers School as part of the Safe Routes to Schools Program, and clarified when City funds will actually be spent. Mayor Coerper asked if matching funds would be included this year or next. Acting Director Hopkins responded next year.

A motion was made by Coerper, second Green to 1) Adopt Resolution No. 2007-46, "A Resolution of the City Council of the City of Huntington Beach authorizing the Mayor and City Clerk to execute Program Supplement Agreement No. 0D48 Rev. 000 for the Safe Routes to School Program in the vicinity of Sowers School." Submitted by the Acting Director of Public Works - Engineering. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(Redevelopment Agency) - Approved and Authorized the Chairman and Agency Clerk to Execute Professional Services Contracts between the City of Huntington Beach Redevelopment Agency and RRM Design Group, Inc. in the Amount of \$471,404 for Planning and Urban Design Services Associated With the Update of the Downtown Specific Plan, and with Kimley-Horn and Associates, Inc., in the Amount of \$132,230 for Downtown Parking/Traffic Consulting Services Associated with the Update of the Downtown Parking Master Plan.

Communication from the Directors of Economic Development and Planning, transmitting the following **Statement of Issue:** Transmitted for Redevelopment Agency consideration are professional services contracts with RRM Design Group and Kimley-Horn and Associates, Inc. to provide consulting services for the update to the Downtown Specific Plan and Downtown Parking Master Plan. Funding Source: Redevelopment Agency Capital Projects Fund Balance.

City Administrator Culbreth-Graft introduced Paul Da Veiga, Project Manager of the Economic Development staff. Manager Da Veiga presented a report that outlined the Recommended Action, Project Background, Consultant Selection and Staff Recommendation. Staff recommended RRM Design Group and Kimley-Horn Associates. The project has an 18-month timeline.

Councilmember Bohr shared his comments on the complexities involved with the closure of Main Street. He described the traffic flow analysis and traffic ingress affects to be considered from Pacific Coast Highway. He requested like comparisons be made by the traffic consultants to reveal peak season versus off season traffic numbers on a block-by-block basis, with residual effects considered during peak and off season impacts on 5th and 6th streets with the development of Pacific City, etc. He stated his desire for the consultants to look at the infrastructure that needs to be addressed. He hopes that good recommendations will be made as proven by similar situations in other cities with successful hardscape, benches and parking. Manager Da Veiga responded affirmatively that during the RFP process, both development scenarios were to be analyzed with and without the closure. Both consultants are aware that component is going to be a very important part of the update of the Specific Plan.

Councilmember Carchio added that he hopes the report includes the redirection of patios similar to the way they're set up right now for outdoor dining. Manager Da Veiga responded that the consultants would be looking at that.

Councilmember Bohr asked for clarification from Councilmember Carchio if his statement regarding outdoor dining implied moving outdoor dining against the buildings.

Councilmember Carchio replied affirmatively and Councilmember Bohr indicated that he agrees that moving dining up against the buildings is the right way to proceed.

A motion was made by Green, second Hansen to **1)** Approve the Professional Services contract between the Redevelopment Agency of Huntington Beach and RRM Design Group, Inc. for Planning and Urban Design Services in the amount of \$471,404 for preparation of the update to the Downtown Specific Plan including an additional 10 percent contingency in the amount of \$47,140 to fund potential modifications to the scope of work during the plan update and authorize the Chairman and Agency Clerk to execute the agreement and appropriate \$518,544 from undesignated Redevelopment Agency Merged Capital Funds Balance to account 30580101.69356; **And 2)** Approve the Professional Services contract between the Redevelopment Agency of Huntington Beach and Kimley-Horn and Associates, Inc. for Downtown Parking/Traffic Consulting Services in the amount of \$132,230 for preparation of the update to the Downtown Parking Master Plan including an additional 10 percent contingency in the amount of \$13,223 to fund potential modifications to the scope of work during the plan update, and authorize the Chairman and Agency Clerk to execute the agreement and appropriate \$145,453 from undesignated Redevelopment Agency Merged Capital Funds Balance to account 30580101.69356. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council/Redevelopment Agency) - Adopted Ordinance No. 3771 Authorizing Execution and Recordation of the Revised Plan Statement Pursuant to Health and Safety Code Section 33373, Which Affirms the Redevelopment Agency's Restrictions on the Use of Eminent Domain in the Huntington Beach Redevelopment Project Area, Also Known as the Merged Project Area - Approved for Introduction July 2, 2007.

A motion was made by Green, second Hardy to **After City Clerk reads by title, Adopt Ordinance No. 3771, "An Ordinance of the City Council of the City of Huntington Beach, California, Describing the Redevelopment Agency of the City of Huntington Beach's Program to Acquire Property Within the Huntington Beach Redevelopment Project (or also known as Merged Project) Area by Eminent Domain"** by roll call vote. The motion carried by the following roll call vote:

AYES: Carchio, Cook, Green, Hansen, and Hardy
NOES: Coerper
ABSTAIN: Bohr

(City Council/Redevelopment Agency) - Adopted Ordinance No. 3772 Authorizing Execution and Recordation of the Revised Plan Statement Pursuant to Health and Safety Code Section 33373, Which Affirms the Redevelopment Agency's Restrictions on the Use of Eminent Domain in the Southeast Coastal Project Area. Approved for Introduction July 2, 2007.

A motion was made by Green, second Hardy to **After City Clerk reads by title, Adopt Ordinance No. 3772, "An Ordinance of the City Council of the City of Huntington Beach, California, Describing the Redevelopment Agency of the City of Huntington Beach's**

Program to Acquire Property Within the Southeast Coastal Redevelopment Project Area by Eminent Domain" by roll call vote. The motion carried by the following roll call vote:

AYES: Carchio, Cook, Green, Hansen, and Hardy
NOES: Coerper
ABSTAIN: Bohr

(City Council) - Approved for Introduction Ordinance No. 3773 Amending Huntington Beach Municipal Code Chapter 9.2 Relating to Public Nudity

Communication submitted by the Chief of Police transmitting the following **Statement of Issue:** The Police Department is recommending that Huntington Beach Municipal Code Chapter 9.2 relating to public nudity be amended as to Section 9.20.015, which prohibits public nudity.

City Administrator Culbreth-Graft requested Police Chief Small to provide comments on the request. Chief Small discussed lack of understanding by the citizens at large of the intent of the ordinance. Chief Small presented a short PowerPoint presentation to better illustrate to Council and citizens what brought the request forward. He described the activity that took place near a heavy traffic area for pedestrians who frequent the downtown street. He further described detailed observations reported by concerned citizens. Chief Small indicated that our City Attorney's office carefully crafted the proposed ordinance to protect the City against future situations of this nature.

Councilmember Bohr asked what the City's history has been with citing persons for nudity on our beaches. Marine Safety Division Chief Kyle Lindo responded that typically contacts encountered by Marine Safety usually result in cultural education and willing compliance. One or two contacts per month were noted. The nature of the issues most commonly reported are of nude sunbathing and, while not in violation of an existing ordinance, bathers willingly come into compliance with the cultural norm. Councilmember Bohr asked if naturists behind a 6-foot block wall in their own backyard would be in violation of proposed ordinance. Chief Small responded that they would not be in violation of the ordinance if not viewable from the public right-of-way.

Councilmember Carchio stated that he finds it unusual that naturists in attendance would oppose the City's right to protect its citizens and children. He stated that although he does not typically believe in "Big Government," he believes this ordinance is only protecting Huntington Beach citizens and he asked for understanding from opposition. He also disagreed with the costume and breastfeeding language within the proposed ordinance.

Mayor Pro Tem Cook asked City Attorney McGrath if violation of the proposed ordinance would be a misdemeanor. Attorney McGrath responded that it could be charged as a misdemeanor or infraction or subject to civil citation. Mayor Pro Tem Cook asked to amend the ordinance by striking the words after "breastfeeding," and completely striking Section B. Chief Small remarked he would not object to the amendments proposed by Mayor Pro Tem Cook.

Councilmember Hardy asked for clarification regarding the penalty for violation of the proposed ordinance. Attorney McGrath responded that a civil citation would be subject to

a \$250 fine; a misdemeanor would be subject to \$500 fine and possible arrest, and an infraction is typically an \$100 fine, all of which are set at the Court's discretion. Councilmember Hardy asked if the misdemeanor would be a registered offense. Chief Small indicated that a violation of the code would not be a registered offense and stated his department uses the civil citation process unless there is an aggravated circumstance.

Councilmember Hansen voiced his support of the proposed recommendation. He referred to an article published today in Brattleboro, Vermont, which claims itself as a Mecca for the naturist community. The article indicated that Brattleboro is now considering banning nudity because it had gotten to an excessive level of people taking advantage of the perceived law that it was impacting art festivals and other community events.

Mayor Coerper asked Chief Small the number of other Orange County cities that have adopted a similar ordinance. Chief Small indicated that 34 of the 45 Orange County cities and the County of Orange have all adopted similar ordinances. When asked about the number of cities within the state that have also adopted a similar ordinance, Chief Small did not have that information available. Mayor Coerper asked for clarification on effect of eliminating Section B of the ordinance. Chief Small responded that Section B is not necessary to achieve the intent of the ordinance. Mayor Coerper asked what the District Attorney recommends. Chief Small replied that the District Attorney's office recommended the proposed ordinance to the Huntington Beach Police Department.

Councilmember Bohr supports the proposed revised ordinance. He stated his hope that the lifeguards will continue to educate visitors as they are currently doing.

Councilmember Carchio asked for clarification from Mayor Pro Tem Cook as to her amendment to the proposed ordinance. Mayor Pro Tem Cook responded that staff will bring back the recommended language to the Council.

Mayor Coerper discussed the possibility of changing the age limit of 7 versus 9 in the proposed ordinance. Pro Tem Cook responded that 9 years of age would suffice the intent of the issue. Mayor Coerper added that he wanted to clarify that he believes the enforcement of public nudity would include exposure in public view - in one's front yard or back yard. He wants the ordinance to clarify right-of-way areas as well. Mayor Coerper supports the ordinance but voiced his understanding of public speaker's comments on neighbor exposing themselves within her children's view.

Mayor Pro Tem Cook asked staff to correct the typo in the ordinance from bath to bathe.

A motion was made by Cook, second Hansen to After City Clerk reads by title, Approve Introduction of **Ordinance No.3773**, *"An Ordinance of the City of Huntington Beach Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Public Nudity"* by roll call vote, as amended to strike language following the term breastfeeding and strike the entire Section B. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) - Pulled from Agenda Ordinance No. 3775 Amending Chapter 2.07 of the Huntington Beach Municipal Code (HBMC) to Modify Existing Campaign Contribution Limitations from \$300 Per Person to Each Election Cycle to \$500 Per Person for Each Election Cycle

The City Administrator pulled the item from this agenda and will bring it back to the City Council on August 6, 2007. The item was pulled as a result of Councilmember Hansen's anticipated absence due to a family issue.

(City Council) Submitted By Mayor Gil Coerper - Voting Delegate and Alternate to the Annual League of California Cities Conference

Communication from Mayor Gil Coerper transmitting the following **Statement of Issue:** The Annual Conference for the League of California Cities will be held in Sacramento this year, September 5-8. An important aspect of the annual conference is the annual business meeting when the membership takes action on conference resolutions. Each city is entitled to one vote in matters affecting municipal or League policy. The League has requested that we notify them no later than Tuesday, August 13 of the names of our delegate and alternate.

A motion was made by Green, second Hansen to Appoint Mayor Gil Coerper to serve as the voting delegate and Mayor Pro Tem Debbie Cook to serve as the alternate voting delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities, to be held September 5-8. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) - Submitted By Mayor Gil Coerper and Councilmember Keith Bohr - Amendment to Graffiti Reward Program -

Communication from Mayor Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue:** On March 19, 2007, the City Council adopted Ordinance No. 3765 amending Chapter 17.10 of the Huntington Beach Municipal Code and establishing a reward for information leading to the identification, apprehension and conviction of any person who applies graffiti within the city. Resolution No. 2007-16 established the amount of the reward as \$500.00. After reviewing the implementation of the reward program, it came to our attention that requiring a "conviction" before a reward can be issued may not be in the best interest of the program or of the city. Many times persons arrested for graffiti crimes in Huntington Beach are minors, and minors are often sent to a diversion program instead of being referred to the Juvenile Justice System. In these cases, there is no "conviction" and the reward cannot be issued. The following incident illustrates our concern with requiring a conviction.

A motion was made by Bohr, second Green to 1) Direct staff to prepare an ordinance amending Chapter 17.10 of the Huntington Beach Municipal Code to read, "The City Council may provide a reward, by resolution, for information leading to the identification and apprehension of any person who applies graffiti within the City. In cases where multiple persons are identified and apprehended, based on a single graffiti incident, only

one reward is authorized.”; 2) Direct staff to issue a reward to any resident who reported information to the police department resulting in the identification and apprehension of any person who applied graffiti within the city between the effective date of Ordinance No. 3765 and the enactment of the ordinance mentioned above. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

Council Comments (Not Agendized)

Councilmember Green had the honor of attending two Eagle Scout Courts of Honor for Ravin Kumar of Troop 227 and Robert Illencik of Troop 1134. She described her enjoyment of the formality of one event and the comical element of the other one. Both had wonderful projects of recognition.

Councilmember Carchio reported that he attended the 4th of July festivities and thanked everyone for their hard work towards making it such a success. He attended the MEA picnic and had a great time; he thanked the Association for inviting him.

Mayor Coerper attended the Sister City Association Special Musical Event at the Central Library. He enjoyed the performances and instruments played by Anjo representatives. He attended the 4th of July events. He attended the Eagle Scout Court of Honor of Max Fisher; He attended the recent Lifeguard Headquarters BBQ at Lifeguard Headquarters. He took a moment to thank the Police Chief, Fire Chief, Marine Safety Chief, and Public Works staff for their hard work associated with all of the scheduled 4th of July activities. He asked Fire Chief Olson and Police Chief Small how many citations were actually issued for illegal fireworks over the holiday weekend. Both chiefs responded that a combined total of 61 citations were issued at \$500/each by both departments.

Adjournment - City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meeting of the City Council/Redevelopment of the City of Huntington Beach at 7:35 p.m. to Monday, August 6, 2007 at 4:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Joan A. Flynn

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

Joan A. Flynn
City Clerk-Clerk

Phil Cooper
Mayor-Chair